

### **REMARKS**

Claims 1-3 and 5-34 are pending herein. Claim 4 was cancelled previously without prejudice or disclaimer. Claims 3, 5-6, 8 and 14-33 stand withdrawn from consideration.

Initially, Applicants thank Examiner Wang and SPE Andres for the courtesies extended their undersigned attorney during a telephonic interview on August 2, 2006.

In the interview, the Examiners indicated allowability of Claim 1, if the term "early stages of" was deleted. With respect to Claim 34, the Examiners indicated its allowability if limited to *in vitro* method and to the specific peptide.

Claim 1 has been amended to delete the term "early stages of" and to provide the omitted steps noted by the Examiner. Likewise, Claim 34 has been amended to provide the omitted steps and to specify the peptide as being soluble beta-amyloid. Support for the revisions can be found at least in Figures 3A-3G and paragraphs [0040]-[0044] of the application.

With respect to the Examiner's objection that Claim 34 is not enabled for an *in vivo* condition, the Examiner's attention is directed to §2164.02 of the MPEP. In particular, it is respectfully submitted that *in vitro* and/or animal model assays support *in vivo* applications or conditions. *In re Brana*, 51 F.3d 1560, 1566, 34 USPQ2d 1436, 1441 (Fed. Cir. 1995) (Reversing the PTO decision based on finding that *in vitro* data did not support *in vivo* applications.) and *Cross v. Iizuka*, 753 F.2d 1040, 1050, 224

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USPQ 739, 747 (Fed. Cir. 1985) (A rigorous or an invariable exact correlation is not required.)

In view of the above, it is respectfully submitted that the rejections of Claims 1-2, 7, 9-13 and 34 under 35 U.S.C. §112, first and second paragraphs, are moot and are requested to be withdrawn.

It is further respectfully requested that since Claims 3, 5, 6 and 8, depend from allowable generic Claim 1, they be rejoined and allowed.

#### **CONCLUSION**

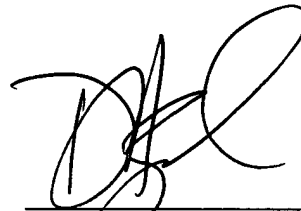
For the foregoing reasons, it is respectfully submitted that Claims 1-3, 5-13, and 34, are in condition for allowance. An indication to this effect and withdrawal of all the rejections are earnestly solicited.

It is believed that no additional fee is due for this submission. Should that determination be incorrect, however, the Commissioner is hereby authorized to charge any deficiencies, or credit any overpayment, to our Deposit Account No. 01-0433, and notify the undersigned in due course.

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Should the Examiner have any questions or wish to discuss further this matter,  
please contact the undersigned at the telephone number provided below.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'D. Agarwal', written over a horizontal line.

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